# EXHIBIT 4

# Leito IV, James V.

**From:** Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>

**Sent:** Tuesday, April 14, 2020 4:19 PM

**To:** Andrew Williamson; Farrell, Thomas M.

**Cc:** Fagelman, Jason; Leito IV, James V.; Young, Geraldine W.; Tarpley, Philip; Andrew Lorin;

Michael Pomerantz; Andrew Wolinsky; Defunct; Brian Dunne;

ederieux@capshawlaw.com; Heidi Peterson; Schmalzbach, Brian D.; Hatch, Benjamin L.; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman; Yavar

Bathaee

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

#### Andrew,

I'm confused and we disagree that this is straightforward. First, you said by email late last night that you would file in the next couple of days and that we should expect a response to our prior correspondence first. And per the ED TX Local Rules, you have the obligation to meet and confer before filing anything. At this time, we don't have the basic facts to understand or to be able to consent to a withdrawal as referenced in your e-mail without more information. In that regard, can you please provide us with a draft of the motion to withdraw along with the following information:

- Per my earlier request, what is the contact information for Mr. Wolinsky and Mr. Pomerantz? Are they still affiliated with Pierce Bainbridge? Are they withdrawing from their representation of Plaintiffs, and if so, have they agreed to such withdrawal (particularly since I continue to receive bounce-backs, suggesting that they are apparently not receiving my emails sent to their Pierce Bainbridge email addresses)?
- If the Court grants the motion to withdraw, (a) what lawyers will remain on the case and (b) what law **firms** will remain in the case—any besides Bathaee Dunne and Capshaw DeRieux?
- Have each of the Plaintiffs consented to the withdrawal of all lawyers and law firms who are withdrawing and the continuation of those lawyers remaining as counsel of record?
- Confirmation that Pierce Bainbridge (and any other lawyers who will be withdrawing) will have no further
  involvement, rights or responsibilities in the *Earl* case—financially, from a funding perspective, as counsel, or
  otherwise.

I have calls for the rest of the day. We can meet and confer by phone tomorrow though, subject to Boeing's availability. Please let us know when you can do that. Thanks,

#### MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office Norton Rose Fulbright US LLP 2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932, United States Tel +1 214 855 8067 | Fax +1 214 855 8200 michael.swartzendruber@nortonrosefulbright.com

#### **NORTON ROSE FULBRIGHT**

Law around the world nortonrosefulbright.com

From: Andrew Williamson [mailto:awilliamson@piercebainbridge.com]

Sent: Tuesday, April 14, 2020 3:08 PM

**To:** Farrell, Thomas M. < <a href="mailto:TFarrell@mcguirewoods.com">TFarrell@mcguirewoods.com</a>>; Swartzendruber, Michael

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<michael.swartzendruber@nortonrosefulbright.com>

Cc: Fagelman, Jason < jason.fagelman@nortonrosefulbright.com>; Leito IV, James V.

<a href="mailto:specifico-com"><a href="mailto:specifico-com">

Benjamin L. < <u>BHatch@mcguirewoods.com</u>>; <u>clydesiebman@siebman.com</u>; <u>elizabethforrest@siebman.com</u>; <u>Edward Grauman < egrauman@bathaeedunne.com</u>>; <u>Yavar Bathaee < yavar@bathaeedunne.com</u>>

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

#### Michael and Tom:

This is a straight forward motion to withdraw counsel—and obviously Bathaee Dunne will continue as lead counsel for plaintiffs, and Capshaw DeRieux will continue as local counsel. Either you consent or you do not. We just need to know for purposes of the certificate of conference.

We intend to file this evening. Please let us know your position by 6 p.m. Eastern. If we do not have an answer from you prior to filing, we will note in the certificate of conference that we attempted to obtain consent, but were not able to do so prior to filing. Thanks.

# Andrew M. Williamson, Of Counsel

Pierce Bainbridge Beck Price & Hecht LLP

601 Pennsylvania Avenue NW, South Tower, Suite 700
Washington, DC 20004
O: (202) 839-3531 E: <a href="mailto:awilliamson@piercebainbridge.com">awilliamson@piercebainbridge.com</a>
Admitted in Maryland, Virginia, West Virginia, and the District of Columbia

Boston | Cleveland | Los Angeles | New York | Washington, D.C.

# PIERCE BAINBRIDGE

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From: Farrell, Thomas M. < TFarrell@mcguirewoods.com>

**Sent:** Tuesday, April 14, 2020 4:04 PM

**To:** Swartzendruber, Michael <<u>michael.swartzendruber@nortonrosefulbright.com</u>>; Andrew Williamson <a href="michael.swartzendruber@nortonrosefulbright.com">awilliamson@piercebainbridge.com</a>

Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V.

<<u>iames.leito@nortonrosefulbright.com</u>>; Young, Geraldine W. <<u>geraldine.young@nortonrosefulbright.com</u>>; Tarpley, Philip <<u>philip.tarpley@nortonrosefulbright.com</u>>; Andrew Lorin <<u>alorin@piercebainbridge.com</u>>; Michael Pomerantz <<u>mpomerantz@piercebainbridge.com</u>>; Andrew Wolinsky <<u>awolinsky@piercebainbridge.com</u>>; Defunct <<u>defunct@piercebainbridge.com</u>>; Brian Dunne <<u>bdunne@bathaeedunne.com</u>>; <u>ederieux@capshawlaw.com</u>; Heidi Peterson <<u>hpeterson@capshawlaw.com</u>>; Schmalzbach, Brian D. <<u>BSchmalzbach@mcguirewoods.com</u>>; Hatch, Benjamin L. <BHatch@mcguirewoods.com>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward

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Grauman < egrauman@bathaeedunne.com >; Yavar Bathaee < yavar@bathaeedunne.com >

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Boeing is in the same boat. We too will circle back tomorrow.

From: Swartzendruber, Michael < michael.swartzendruber@nortonrosefulbright.com >

**Sent:** Tuesday, April 14, 2020 3:01 PM

To: Andrew Williamson <a williamson@piercebainbridge.com>

Cc: Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V.

<james.leito@nortonrosefulbright.com</p>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com</p>; Tarpley,

 $Philip < \underline{philip.tarpley@nortonrosefulbright.com} >; Andrew Lorin < \underline{alorin@piercebainbridge.com} >; Michael Pomerantz$ 

<mpomerantz@piercebainbridge.com>; Andrew Wolinsky <a wolinsky@piercebainbridge.com>; Defunct

<<u>defunct@piercebainbridge.com</u>>; Brian Dunne <<u>bdunne@bathaeedunne.com</u>>; <u>ederieux@capshawlaw.com</u>; Heidi

Peterson < <a href="mailto:hpeterson@capshawlaw.com">hpeterson@capshawlaw.com</a>; Farrell, Thomas M. < <a href="mailto:TFarrell@mcguirewoods.com">TFarrell@mcguirewoods.com</a>; Schmalzbach, Brian D.

<<u>BSchmalzbach@mcguirewoods.com</u>>; Hatch, Benjamin L. <<u>BHatch@mcguirewoods.com</u>>;

<u>clydesiebman@siebman.com</u>; <u>elizabethforrest@siebman.com</u>; <u>Edward Grauman <egrauman@bathaeedunne.com</u>>;

Yavar Bathaee < <u>yavar@bathaeedunne.com</u>>

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

#### \*\*EXTERNAL EMAIL; use caution with links and attachments\*\*

Hi Andrew, I have your email below. We will circle back tomorrow. Thanks,

#### MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office Norton Rose Fulbright US LLP 2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932, United States Tel +1 214 855 8067 | Fax +1 214 855 8200 michael.swartzendruber@nortonrosefulbright.com

#### **NORTON ROSE FULBRIGHT**

Law around the world nortonrosefulbright.com

From: Andrew Williamson [mailto:awilliamson@piercebainbridge.com]

Sent: Monday, April 13, 2020 11:02 PM

**To:** Swartzendruber, Michael <<u>michael.swartzendruber@nortonrosefulbright.com</u>> **Cc:** Fagelman, Jason <<u>jason.fagelman@nortonrosefulbright.com</u>>; Leito IV, James V.

<<u>iames.leito@nortonrosefulbright.com</u>>; Young, Geraldine W. <<u>geraldine.young@nortonrosefulbright.com</u>>; Tarpley,

Philip philip.tarpley@nortonrosefulbright.com; Andrew Lorin <alorin@piercebainbridge.com</pre>; Michael Pomerantz

<mpomerantz@piercebainbridge.com</p>
; Andrew Wolinsky <a href="mailto:awolinsky@piercebainbridge.com">awolinsky@piercebainbridge.com</a>; Defunct

<<u>defunct@piercebainbridge.com</u>>; Brian Dunne <<u>bdunne@bathaeedunne.com</u>>; <u>ederieux@capshawlaw.com</u>; Heidi

 $\label{lem:peterson} $$\operatorname{\underline{\begin{tabular}{l} Peterson@capshawlaw.com} \end{tabular}}$$; Farrell, Thomas M. < $$\underline{\begin{tabular}{l} TFarrell@mcguirewoods.com} \end{tabular}}$$; Schmalzbach, Brian D. $$$ 

<<u>BSchmalzbach@mcguirewoods.com</u>>; Hatch, Benjamin L. <<u>BHatch@mcguirewoods.com</u>>;

<u>clydesiebman@siebman.com</u>; <u>elizabethforrest@siebman.com</u>; <u>Edward Grauman <egrauman@bathaeedunne.com</u>>;

Yavar Bathaee <yavar@bathaeedunne.com>

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Importance: High

Michael,

# Case 4:19-cv-00507-ALM Document 80-4 Filed 04/27/20 Page 5 of 7 PageID #: 1203

Pierce Bainbridge will be withdrawing its appearance from this case with in the next couple of days, and the related PB attorneys, including Mike Pomerantz, Andrew Wolinsky, and myself (or any other PB attorneys remaining on the docket), will also have those appearances, or PHV appearances, withdrawn.

#### Will Defendants consent to this withdrawal?

In addition, Southwest can expect Pierce Bainbridge's response to the letter that your associate, Philip Tarpley, sent on your behalf on April 8<sup>th</sup>, prior to Pierce Bainbridge's withdrawal from this matter.

Thanks.

**Andrew M. Williamson,** Of Counsel Pierce Bainbridge Beck Price & Hecht LLP

601 Pennsylvania Avenue NW, South Tower, Suite 700
Washington, DC 20004
O: (202) 839-3531 E: awilliamson@piercebainbridge.com
Admitted in Maryland, Virginia, West Virginia, and the District of Columbia

Boston | Cleveland | Los Angeles | New York | Washington, D.C.



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From: Swartzendruber, Michael <michael.swartzendruber@nortonrosefulbright.com>

Sent: Monday, April 13, 2020 11:03 PM

To: Brian Dunne < <a href="mailto:bdunne@bathaeedunne.com">bdunne@bathaeedunne.com</a>>; Yavar Bathaee < <a href="mailto:yavar@bathaeedunne.com">yavar@bathaeedunne.com</a>>

**Cc:** Fagelman, Jason <jason.fagelman@nortonrosefulbright.com>; Leito IV, James V.

<james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Williamson <a williamson@piercebainbridge.com>; Andrew Wolinsky <a worder="awolinsky@piercebainbridge.com">awolinsky@piercebainbridge.com</a>; Defunct <a href="defunct@piercebainbridge.com">defunct@piercebainbridge.com</a>; ederieux@capshawlaw.com; Heidi Peterson <a href="heterson@capshawlaw.com">heterson@capshawlaw.com</a>; Farrell, Thomas M. <a href="heterson@capshawlaw.com">TFarrell@mcguirewoods.com</a>; Schmalzbach, Brian D. <a href="heterson@capshawlaw.com">BSchmalzbach@mcguirewoods.com</a>; Hatch, Benjamin L. <a href="heterson@capshawlaw.com">BHatch@mcguirewoods.com</a>; Clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <a href="heterson@capshawlaw.com">egrauman@bathaeedunne.com</a>>

Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

## Counsel for Plaintiffs,

Please let us know where Michael Pomerantz and Andrew Wolinsky are. Although I just now used their email addresses from Brian's April 11 email below (showing both of those attorneys as still at Pierce Bainbridge), my emails to both bounced back as undeliverable (as did Melissa Giger's). If these attorneys of record are no longer at Pierce Bainbridge, we need their correct firm and contact information to communicate with them; if they remain at Pierce, we still need correct contact information for all of them. Please send us this information, and please also copy us on your emails forwarding my email and April 13 letter to them. Thank you for your assistance in this regard.

MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office Norton Rose Fulbright US LLP 2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932, United States Tel +1 214 855 8067 | Fax +1 214 855 8200 michael.swartzendruber@nortonrosefulbright.com

#### NORTON ROSE FULBRIGHT

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From: Swartzendruber, Michael Sent: Monday, April 13, 2020 9:48 PM

To: 'Brian Dunne' < bdunne@bathaeedunne.com >; 'Yavar Bathaee' < yavar@bathaeedunne.com >

**Cc:** Fagelman, Jason < <u>jason.fagelman@nortonrosefulbright.com</u>>; Leito IV, James V.

<<u>iames.leito@nortonrosefulbright.com</u>>; Young, Geraldine W. <<u>geraldine.young@nortonrosefulbright.com</u>>; Tarpley, Philip <<u>philip.tarpley@nortonrosefulbright.com</u>>; Andrew Lorin <<u>alorin@piercebainbridge.com</u>>; Michael Pomerantz <<u>mpomerantz@piercebainbridge.com</u>>; Andrew Williamson <<u>awilliamson@piercebainbridge.com</u>>; Andrew Wolinsky <<u>awolinsky@piercebainbridge.com</u>>; Melissa Giger <<u>mgiger@piercebainbridge.com</u>>; ederieux@capshawlaw.com; Heidi Peterson <<u>hpeterson@capshawlaw.com</u>>; Farrell, Thomas M. <<u>TFarrell@mcguirewoods.com</u>>; Schmalzbach, Brian D. <<u>BSchmalzbach@mcguirewoods.com</u>>; Hatch, Benjamin L. <<u>BHatch@mcguirewoods.com</u>>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Edward Grauman <<u>egrauman@bathaeedunne.com</u>>
Subject: RE: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Counsel, Please see the attached response to the April 11 letter referenced in your email below.

Best,

MAS

Michael A. Swartzendruber | Head of Dispute Resolution and Litigation, Dallas Office Norton Rose Fulbright US LLP 2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932, United States Tel +1 214 855 8067 | Fax +1 214 855 8200 michael.swartzendruber@nortonrosefulbright.com

#### NORTON ROSE FULBRIGHT

Law around the world nortonrosefulbright.com

From: Brian Dunne [mailto:bdunne@bathaeedunne.com]

Sent: Saturday, April 11, 2020 10:06 PM

**To:** Swartzendruber, Michael <<u>michael.swartzendruber@nortonrosefulbright.com</u>> **Cc:** Fagelman, Jason <<u>jason.fagelman@nortonrosefulbright.com</u>>; Leito IV, James V.

<james.leito@nortonrosefulbright.com>; Young, Geraldine W. <geraldine.young@nortonrosefulbright.com>; Tarpley, Philip <philip.tarpley@nortonrosefulbright.com>; Andrew Lorin <alorin@piercebainbridge.com>; Michael Pomerantz <mpomerantz@piercebainbridge.com>; Andrew Williamson <awilliamson@piercebainbridge.com>; Andrew Wolinsky <awolinsky@piercebainbridge.com>; Melissa Giger <mgiger@piercebainbridge.com>; ederieux@capshawlaw.com; Heidi Peterson <a href="https://documerantz.com/">heidi Peterson@capshawlaw.com</a>; Farrell, Thomas M. <a href="https://documerantz.com/">TFarrell@mcguirewoods.com</a>; Schmalzbach, Brian D. <a href="https://documerantz.com/">BHatch@mcguirewoods.com</a>; Hatch, Benjamin L. <a href="https://documerantz.com/">BHatch@mcguirewoods.com</a>; clydesiebman@siebman.com; elizabethforrest@siebman.com; Yavar Bathaee <a href="https://documerantz.com/">yavar@bathaeedunne.com</a>; Edward

Grauman < egrauman@bathaeedunne.com >

Subject: Earl v. Boeing et al, Case No. 19-cv-507 (E.D. Tex.) - Correspondence

Counsel:

Please see the attached letter from Yavar Bathaee and Brian Dunne. Hope everyone is well.

Best,

Brian Dunne | Partner | Bathaee :: Dunne :: LLP | <u>bdunne@bathaeedunne.com</u> 633 West Fifth Street 26th Floor, Los Angeles CA 90071 | (213) 426-2772 (Direct)

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